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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,791	06/13/2000	Keita Watanabe	3542-0104P	7997
2292	7590	11/22/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FAULK, DEVONA E	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

07/3

Office Action Summary	Application No.	Applicant(s)	
	09/592,791	WATANABE, KEITA	
	Examiner	Art Unit	
	Devona E. Faulk	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 6/13/2000.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments, filed 9/17/2004, with respect to the rejection(s) of claim(s) 1 under 112 have been fully considered and are persuasive.
3. Applicant's arguments, filed 9/17/2004, with respect to the rejection(s) of claim(s) 1, 3-7 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Estevez-Alcolado, and Ohta.
4. The objections of claims 8-10 have been withdrawn and newly recited rejections follow.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3** are rejected under 35 U.S.C. 102(b) as being anticipated by Estevez-Alcolado et al. (U.S. Patent 5,537,472).

Regarding **claim 1**, Estevez-Alcolado discloses a sound generator for a portable device (Figure 1); a case (12, Figure 3); a sound generating device mounted in the case (20, Figure 2;

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column 3, lines 10-33); a battery (25, Figure 3) mounted on an outside of the case so as to be exposed (Figure 3); terminals provided on the case (inherent, Figure 3); a pair of leads connected a pair of electrodes of the battery with the terminals (inherent, Figure 3).

All elements of **claim 2** are comprehended by claim 1 (Figure 3)

All elements of **claim 3** are comprehended by claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Estevez-Alcolado et al. (U.S. Patent 5,537,472) in view of Ohta (U.S. Patent 6,208,238).

Claim 4 claims the sound generator of claim 1 wherein the sound-generating device is a buzzer. As stated above apropos of claim 1, Estevez-Alcolado meets all elements of that claim. Therefore Estevez-Alcolado meets all elements of claim 4 with the exception of the claimed matter. Ohta discloses the use of a buzzer (11) in a mobile phone (35) (Figure 7; column 1, lines 6-10; column 4, lines 35-41). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use Ohta's concept of a buzzer as the sound generator in order to generate an incoming call indicator tone when the device receives an incoming call.

8. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Estevez-Alcolado et al. (U.S. Patent 5,537,472) in view of Fujiuchi et al. (U.S Patent 5,844,484).

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Claim 5 claims the sound generator of claim 3 wherein the battery is a disc type battery, and has an upper electrode and lower electrode. As stated above in apropos of claim 3, Estevez-Alcolado meets all elements of that claim. Therefore, Regarding claim 5, Fujiuchi teaches a portable device having a flat battery or button type battery (V), (column 6, line 22) and teaches of the battery having a minus and a plus electrode (column 7, line 47; column 8, line 28) which reads on “the battery is a disc type battery, and has an upper electrode lower electrode”. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use Fujiuchi’s concept of a disc type battery in a portable device in order to have the capability of providing smaller size devices.

Claim 7 claims the sound generator according to claim 5 wherein the contact plate contacted with the upper electrode is made of a resilient metal plate. Fujiuchi teaches of a positive and negative electrode. An electrode inherently is held in contact with a metallic plate through which electrons arrive from the external circuit. Resilient is defined as capable of withstanding stress without injury. It is interpreted by the examiner that the terminal unit is resilient. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to have contact plate made of a resilient in order to better protect the battery.

All elements of **claim 8** are comprehended by claim 7.

All elements of **claim 9** are comprehended by claim 8.

Claim 10 claims the sound generator of claim 8 wherein each of the terminals comprises a flat metal plate so as to be mounted on a printed circuit board. It is well known in the art to have terminals mounted on a printed circuit board. Thus it would have been obvious to one of

ordinary skill in the art at the time of the invention to have the terminals mounted on a printed circuit board in order to make sure that any electronic elements are secure.

9. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Estevez-Alcolado et al. (U.S. Patent 5,537,472) in view of Ohta (U.S. Patent 6,208,238) in view of Fujiuchi et al. (U.S Patent 5,844,484.

Claim 6 claims the sound generator of claim 4 wherein the terminals comprises a pair of terminals for applying a voltage of a battery to a control circuit, and a pair of terminals for applying a voltage from the control circuit to the buzzer for operating it. Regarding claim 6, Fujiuchi teaches that the battery will supply power to the respective circuits in the box (2) (column 6, line22). Terminals (31 and 33c) are for plus and minus electrode connections of battery V. These features read on “a pair of terminals for applying a voltage of a battery to a control circuit”. Terminals are (33a and 33b) are connected to the plus and minus electrodes of the piezoelectric buzzer which reads on “ a pair of terminals for applying a voltage from the control circuit to the buzzer for operating it”. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use Fujiuchi’s concept of a disc type battery in a portable device in order to have the capability of providing smaller size devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER